

39 – 45 were previously cancelled; these claims are amended to be classified as withdrawn. Not all of the drawings being used by the claims support the immediate Configurable eyewear patent, having two independent clockwise and counterclockwise rotatable lenses. The drawings relating to the elected divisional action not being prosecuted here are Figures 4 to 11B, 19 and Figure 20. The embodiments supported by the said drawings are unique, novel and new with the prescriptions being grounded from both the outside and inside surface of the lens. These drawings and the aforesaid withdrawn claims pertain to the Configurable eyewear having a flip frame with a dual function nosepieces that rotate around 2 horizontal axes at the outer temple headpieces which will be prosecuted in a future continuation patent.

Basically, the inventor grieves that from the first filing the patent application has many new, novel and useful components that are unique, with concepts that teach the construction of a new product not previously invented. Brzozowski's Configurable eyewear invention operates with the bifocals out of the line of vision in the upper part of the lens toward the eyebrow which will be moved into the bottom of the headpiece when needed. Karasawa (5,663,779), Erhard (1,401,327), Lin (4,998,815), Bailey (1,471,996), Archambault (2,813,459), Tassier (5,956,114), and Hirano (JP 7-159733) essentially illustrate eyeglasses that fail to accommodate the functions in claim 57.

"57. (currently amended) [The] A configurable eyewear system [of claim 46] comprising at least one containment structure and at least one lens, at least one lens rotatable within said containment structure, said eyewear system further comprising at

3

least one rotator, said at least one lens being rotatable at least by said rotator; said eyewear system further comprising at least one memory member, wherein said eyewear system is in a group of headwear consisting of welder's eyewear, motorcycle rider eyewear, safety eyewear, skydiving eyewear, airplane pilot eyewear, gas mask eyewear, hazardous materials eyewear, 3-d glasses, costumes, masks, goggles, hoods, UV tanning eyewear, racecar driver eyewear, astronaut eyewear, sports eyewear, hoods and helmets."

Moreover, the Configurable eyewear patent has valid claims and the merits of the new and useful improvements thereof are patentable and are different from the cited patents and prior art.

Karasawa (5,663,779) invented the Variable Transmission Light Polarizing Lens Assembly (VTLPLA) (1997). The Variable Transmission Light Polarizing Lens Assembly (VTLPLA) resembles a streamlined binocular. Its prescriptioned lenses are internal and sealed in a hollow chamber with two external plain glass lenses. The said VTLPLA has an external user adjustable thumb wheel to turn the internal lens. However the two external lenses on each eye are subjected to becoming dirty and they need to be cleaned. The inventions do not resemble the Configurable eyewear; the configurable eyewear is an new and useful improvement by being lighter, less complicated, and easier to clean.

In 1921 Erhard (1,401,327) was granted the patent for Eyeglasses or Spectacles. The patent has two circular lenses in a frame with a different shape. The top segment was set inwardly to expose the rim of the lens and allow the user to turn the lens with his finger at the top of the frame. The exposed section of the rim

that moved the lens with a finger would have to have fingerprints on the substantial part of the outer rim of each lens and also the bifocal lens. Brzozowski's configurable eyewear is shaped different and the configurable eyewear lens avoids fingerprints by having a turn knob to turn the lens which is a new and useful improvement to the Erhard patent.

Lin (4,998,815) was granted the Sunglass Frame Structure in 1991. Lin's invention does not resemble any of the drawings in Brzozowski's invention. Lin has anchor cutouts but their function is completely different as the memory bands used by Brzozowski's Figures 23 - 26. Brzozowski's patent is new and novel as compared to Lin's sunglasses.

Bailey (1,471,996) created the Spectacles about 1923. Bailey's invention has a connecting piece that passes from one lens through the bridge piece to the other lens that rotates when lens is rotated. Bailey's patent is different with a belt like connector attached to both lenses to facilitate turning. Brzozowski's invention is easier and simpler and is a improvement over Bailey's patent.

Archambault (2,813,459) was granted the Spectacles with Variable Light Transmission in 1957 consisting of one claim. Archambault seems to have a lens with a rotating polizarized lens that fits over the lens. Archambault does not have bifocals and it appears to be used like sunglasses. Brzozowski's patent is new and novel as compared to Archambault's sunglasses.

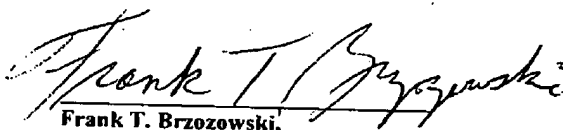
Tassier (5,956,114) invented Artificial Horizon Spectacles about 1999. Tassier's spectacles are different in that the bifocal lens is always at the bottom position of the frame, no matter what angle the glasses are moved or positioned.

5

Brzozowski's configurable eyewear is constructed to have the bifocals out of the line of vision and it is manually moved into position when needed which is drastically different from Tassier's patent.

The Far and Near Bifocal Spectacles were invented by Hiromo (JP 07159733) about 1995. As previously stated in the last response "Hirano's invention, JP 7-159733, is challenged as being defective and drastically different; the lenses switch from the right eye to the left eye when they are inverted." Hirano's flipping lenses work only when the prescription for the right eye is exactly the same as the left eye; if the eyes have different prescriptions Hirano's patent is defective. Hirano's Figures 1 and 2 appear to fit in Figure 4 which is a flipping type of lens invention. Hirano's patent allows "bifocal glasses which can see both distance and a fixed look angle." Brzozowski's artwork is different from Hirano's prior art and the inventions are different.

Submitted by:


Frank T. Brzozowski,
Small entity inventor

Frank T. Brzozowski
2357 E. Dauphin Street
Philadelphia, PA 19125
215-425-7672
brzozowskifrank@netzero.com

Enc.